

AGENDA - COUNCIL MEETING - WEDNESDAY - MAY 28, 2008 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0331 to 2008-0363
ORDINANCES - 2008-0443 to 2008-0478
RESOLUTIONS – 2008-0012 to 2008-0016

2008-0330-1

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sullivan

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 61

MISCELLANEOUS - NUMBERS 1 through 6

1. Motion 2008-0331

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON) BOARD OF DIRECTORS**:

- Position One - **MR. MIKE BYERS, II**, appointment, for a term to expire 12/31/2009
- Position Two - **MR. COLLIN A . ROSE**, appointment, for a term to expire 12/31/2008
- Position Three - **MR. JOSEPH L. STUNJA**, reappointment, for a term to expire 12/31/2009 and to serve as Chair for a term ending 12/31/2008
- Position Four - **MR. DOUGLAS E. "ED" DORMER**, appointment, for a term to expire 12/31/2008
- Position Five - **MR. STANLEY J. SARMAN**, appointment, for a term to expire 12/31/2009

2. Motion 2008-0332

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **LAKE HOUSTON REDEVELOPMENT AUTHORITY, (REINVESTMENT ZONE NUMBER TEN) BOARD OF DIRECTORS**:

- Position One - **MR. MIKE BYERS, II**, appointment, for a term to expire 12/31/2009
- Position Two - **MR. COLLIN A . ROSE**, appointment, for a term to expire 12/31/2008
- Position Three - **MR. JOSEPH L. STUNJA**, reappointment, for a term to expire 12/31/2009 and to serve as Chair for a term ending 12/31/2008
- Position Four - **MR. DOUGLAS E. "ED" DORMER**, appointment, for a term to expire 12/31/2008
- Position Five - **MR. STANLEY J. SARMAN**, appointment, for a term to expire 12/31/2009

MISCELLANEOUS - continued

3. Motion 2008-0333

REQUEST from Mayor for confirmation of the appointment of **MR. DWAYNE L. MASON** to Position Two on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and on the **FIREFIGHTERS' and POLICE OFFICERS' CIVIL SERVICE COMMISSION**, to fill an unexpired term ending June 14, 2009

4. Motion 2008-0352

RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for New Fire Station 8, WBS C-000149-0002-4 - **DISTRICT I - RODRIGUEZ**

5. Motion 2008-0334

RECOMMENDATION from Chief of Police for disbursement of court awarded proceeds in the amount of \$253,016.94 to **U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)** as a result of forfeited assets and contraband from joint law enforcement operations

6. Council Members Adams and Jones tagged

RECOMMENDATION from Director Department of Public Works & Engineering for the designation of five residential parking permit areas in the Super Neighborhoods of the Washington Ave./Memorial Park Coalition, Neartown/Montrose and Afton Oaks/River Oaks Area - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ**

ACCEPT WORK - NUMBERS 7 through 11

7. Motion 2008-0335

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,255,976.93 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Lyons Avenue Reconstruction from Zindler Street to Port Street, GFS N-000719-0002-4 - 6.57% under the original contract amount - **DISTRICT H - GARCIA**

8. Motion 2008-0336

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,840,370.31 and acceptance of work on contract with **BOYER, INC** for Beltway Wastewater Treatment Plant Improvements, WBS R-000265-0033-4 - 4.60% under the original contract amount - **DISTRICT F - KHAN**

9. Motion 2008-0337

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,601,573.61 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A3-4 - 3.97% over the original contract amount

10. Motion 2008-0353

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,883,902.56 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D9-4 - 1.45% under the original contract amount **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; G - HOLM and I - RODRIGUEZ**

11. Motion 2008-0338

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,791,856.99 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Dairy Ashford No. 3 Lift Station Diversion, WBS R-000267-0086-4 5.58% under the original contract amount - **DISTRICT F - KHAN**

PROPERTY - NUMBERS 12 through 15

12. Motion 2008-0339

RECOMMENDATION from Director Department of Public Works & Engineering disclaiming, releasing and relinquishing all the City's right, title, interest, and claim in and to Neurath Place Alley from St. Charles Street to its terminus, located within the Survey of the Neurath Estate on Buffalo at Second Ward, Parcel SY7-068 - **DISTRICT H - GARCIA**

13. Motion 2008-0340

RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Tony Alexander, et al., Cause No. 881,204; for acquisition of Parcels CY4-006 and CY4-007; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-2 - **DISTRICT B - JOHNSON**

14. Motion 2008-0341

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of KDC Houston Industrial One, LLC (Tobin Grove, President), for abandonment and sale of two 20-foot-wide drainage easements and an 80-foot-wide utility and street right-of-way easement, in exchange for the conveyance to the City of a 100-foot-wide utility easement, all located within the Luke Hamenway Survey, A-800 and A-802 and the August Whitlock Survey, A-798, Parcels SY8-005A through C and VY8-051 - **STAFF APPRAISERS DISTRICT E - SULLIVAN**

15. Motion 2008-0342

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY7-006, located at 750 Rankin Road, owned by Northborough Wiese, J.V. for the **RANKIN LIFT STATION PUMP AND LIFT STATION RENEWAL AND REPLACEMENT PROJECT**, WBS R-000267-0086-2 - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 23

16. Motion 2008-0343

ARMOR SCREEN CORPORATION to Furnish and Install Hurricane Protection Screens for the Convention & Entertainment Facilities Department - \$128,018.00 - Enterprise Fund

17. Motion 2008-0344

GEN-PROBE SALES & SERVICE - \$189,421.00, **BIO-RAD LABORATORIES, INC** - \$272,364.44 and **BD DIAGNOSTICS SYSTEMS** - \$245,903.30 for Medical, Diagnostic and Virological Test Kits for the Health & Human Services Department - General Fund

18. Ordinance 2008-0463

ORDINANCE appropriating \$1,804,496.00 out of Equipment Acquisition Consolidated Fund for Purchase of Eight Airborne Thermal Imaging Systems for Police Department

a. Motion 2008-0357

FLIR SYSTEMS, INC for Airborne Thermal Imaging Systems for Police Department

19. Motion 2008-0345

NORTH AMERICAN COMMUNICATIONS RESOURCES, INC - \$591,288.00 and **AVAYA, INC** - \$87,012.00 for Interactive Voice Response System Hardware, Software and Professional Services through the City's Master Agreement with the Texas Department of Information Resources for Department of Public Works & Engineering - Building Inspection and Enterprise Funds

PURCHASING AND TABULATION OF BIDS - continued

20. Motion 2008-0346

AGILENT TECHNOLOGIES, INC - \$129,255.25 and **SHIMADZU SCIENTIFIC INSTRUMENTS, INC** - \$76,298.60 to Furnish and Install Laboratory Equipment for Department of Public Works & Engineering - Enterprise Fund

21. Motion 2008-0347

AIRGAS-SOUTHWEST, INC for Chemical, Carbon Dioxide for Department of Public Works & Engineering - \$99,967.00 - Enterprise Fund

22. Motion 2008-0348

SWEETEN TRUCK CENTER, L.C. for Automotive, White/GMC/Volvo Replacement Parts and Service for Various Departments - \$427,368.00 - General and Fleet Management Funds

23. Motion 2008-0349

KEY MAPS, INC for Directories, Street Guides for Various Departments - \$474,500.16 - General, Storm Water and Enterprise Funds

Motion 2008-0350 – Procedural motion

Motion 2008-0351 – Suspend rules to remain in session beyond the scheduled noon recess

RESOLUTIONS AND ORDINANCES - NUMBERS 24 through 61

24. Resolution 2008-0015

RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City budgets for the time period July 1, 2008 through June 30, 2009; authorizing notice of such public hearing, and making other provisions related to the subject

HEARING DATE - TUESDAY - 1:30 P.M. - JUNE 10, 2008

25. Resolution 2008-0012

RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Joseph Merkel House	416 N. Hutcheson Street	<u>DISTRICT H - GARCIA</u>
Turnbow-Smith House	104 Avondale Street	<u>DISTRICT D - ADAMS</u>

26. Resolution 2008-0013

RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Wirt Adams Paddock House	3229 Groveland Lane	<u>DISTRICT G - HOLM</u>
Hovey-Cole House	2222 Inwood Drive	<u>DISTRICT G - HOLM</u>
Kendall-Harris House	2175 Troon Road	<u>DISTRICT G - HOLM</u>

27. Resolution 2008-0014

RESOLUTION supporting the certification of a Municipal Setting Designation outside the boundary of the City of Houston at 14502 Fondren Road, Missouri City, Texas; and making various findings and provisions relating to the subject

28. Resolution 2008-0016

RESOLUTION regarding assurances to the NCAA concerning support for the 2015 and 2016 Men's Final Four and the 2012 through 2016 Women's Final Four

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2008-0464

ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2008D to refund the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2004C-3, Series 2004C-4 and Series 2004C-5; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the execution and delivery of a Remarketing Agreement, Tender Agent Agreement and Liquidity Agreement; authorizing the purchase of a Bond Insurance Policy for the bonds; making other provisions regarding such bonds; and declaring an emergency

30. Ordinance 2008-0465

ORDINANCE approving a Substitute Broker/Dealer Agreement for the City of Houston, Texas Convention & Entertainment Facilities Department Hotel Occupancy Tax and Special Revenue Adjustable Rate Bonds, Series 2001C; and declaring an emergency

31. Ordinance 2008-0443

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Shearn Street from the west property line of the Bueling Herring Reserve to its dead-end, containing an aggregate of 0.746 acres (32,495 square feet) of land, more or less, located in Shearn Street Addition, John Austin Survey, A-1, Houston, Harris County, Texas; vacating and abandoning said parcels to Target Corporation ("Target") and Sawyer Heights Village, Ltd. ("Sawyer Heights"), abutting owners, in consideration of their payment to the City of \$502,239.00 and other consideration - **DISTRICT H - GARCIA**

32. Ordinance 2008-0444

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of excess fee-owned right-of-way at the intersection of Lyons Avenue and Hardy Street (Parcel SY7-145), being out of Lots 8, 9, 10, 11 and 12, Block 46, S. F. Noble's Addition, John Austin Survey, A-1, Houston, Harris County, Texas, containing 0.1394 acre (6,074 square feet) of land, more or less; vacating and abandoning said tract of land as well as authorizing a special warranty deed conveying same to Knapp Polly Pig, Inc. (f/k/a Pollypig by Knapp, Inc.), abutting owner, in consideration of owner's payment of \$13,666.00 and other consideration to the City - **DISTRICT H - GARCIA**

33. Council Member Holm tagged

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use (1) as public streets of a 13,380 square foot portion of South Post Oak Lane (Parcel SY5-011A) and a 5,238 square foot portion of Skylark Lane (Parcel SY5-011B), both located within Azalea Terrace, a subdivision according to the plat thereof recorded at Volume 33, Page 38, Map Records of Harris County, Texas ("HCMR"), (2) two utility easements on 0.0963 acres of land (Parcel SY5-011C) and 0.1098 acres of land (Parcel SY5-011D), both located within Restricted Reserve "A", Saks Fashion Center, according to the plat thereof recorded at Volume 340, Page 51, HCMR, and (3) a water line easement on 0.1863 acres of land (Parcel SY5-011E) within Azalea Terrace Annex, according to the plat thereof recorded at Volume 34, Page 61, HCMR; vacating and abandoning said public street rights-of-way and easements to Boulevard Place, L.P., abutting owner, in consideration of the conveyance to the City of a public street right-of-way easement on 66,500 square feet (Parcel AY6-165), payment to the City of \$1,500.00, and other good and valuable consideration; approving and authorizing the conveyance to the City by Crescent POC Investors, L.P. of public street right-of-way easements on 5,346 square feet (Parcel AY8-271A), 343 square feet (Parcel AY8-271B) and 526 square feet (Parcel AY8-271C) of land - **DISTRICT G - HOLM**

RESOLUTIONS AND ORDINANCES - continued

34. Ordinance 2008-0445

ORDINANCE consenting to the addition of 168.950 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY NO. 25**, for inclusion in its district

35. Ordinance 2008-0446

ORDINANCE consenting to the addition of 1.00 acres of land to **HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 96**, for inclusion in its district

36. Ordinance 2008-0447

ORDINANCE consenting to the addition of 20.00 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district

37. Ordinance 2008-0448

ORDINANCE establishing the north side of the 2600 block of Prospect Street and the south side of the 2600 block of Prospect Street between Ennis Street and the 10 foot alley of Calumet Drive Lofts within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

38. Ordinance 2008-0449

ORDINANCE establishing the north side of the 2600 block of Prospect Street and the south side of the 2600 block of Prospect Street between Ennis Street and the 10 foot alley of Calumet Drive Lofts within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

39. Ordinance 2008-0450

ORDINANCE establishing the east and west side of the 1000 block of Tabor Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

40. Ordinance 2008-0451

ORDINANCE establishing the south side of the 1900 block of West McKinney Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

41. Ordinance 2008-0452

ORDINANCE establishing the south side of the 1900 block of West McKinney Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

42. Ordinance 2008-0453

ORDINANCE approving and authorizing contract between the City and **HARMONY HOUSE, INC** for a facility to house TB patients under medical supervision; providing a maximum contract amount - 1 Year with two one-year renewal terms - \$828,423.00 - General and Grant Funds

43. Ordinance 2008-0466

ORDINANCE approving and authorizing contract between the City and **HOUSTON WORKS USA** to train and employ youth to be energy conservation advocates to distribute energy efficient light bulbs in various Houston neighborhoods; providing a maximum contract amount - \$300,000.00 General and Revenue Funds

RESOLUTIONS AND ORDINANCES - continued

Motion 2008-0356 – Suspend rules to consider Item 44 out of order

44. Ordinance 2008-0462

ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC**, providing up to \$788,510.00 in Housing Opportunities for Persons with AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$394,255.00, for supportive services and the administration and operation of a community residence - **DISTRICT B - JOHNSON**

45. Ordinance 2008-0467

ORDINANCE approving and authorizing contract between the City of Houston and **FORT BEND COUNTY BLACK NURSES ASSOCIATION**, providing up to \$226,500.00, in Housing Opportunities for Persons with AIDS ("HOPWA") Funds for the administration and operation of short-term rent, utility, and mortgage assistance program and supportive services

46. Ordinance 2008-0468

ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$54,768.22 for the administration and operation of a supportive services project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program - **DISTRICT I - RODRIGUEZ**

47. Ordinance 2008-0469

ORDINANCE terminating Lease Agreement No. 32967, by and between the City of Houston and **WILSON AIR CENTER - HOUSTON, INC**, and concurrently approving and authorizing new Lease Agreement between the City of Houston and **WILSON AIR CENTER - HOUSTON, INC**, for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**

48. Ordinance 2008-0470

ORDINANCE approving and authorizing contract between the City and **NULL - LAIRSON, P.C.** for Professional Consulting Services to support the Tax Increment Reinvestment Zone Program \$186,250.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

Motion 2008-0358 – Divide the question on Item 49 to separate Lamar Terrace

Motion 2008-0359 – Refer Lamar Terrace appropriation back to the Administration

49. Ordinance 2008-0471

ORDINANCE appropriating \$49,496,482.79 out of ~~Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone)~~, Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy Place Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone) for affordable housing, administrative expenses, payment of project costs, payments to the Houston Finance Corporation and certain redevelopment authorities as provided herein

Motion 2008-0360 – Divide the question on Item 50 to separate Lamar Terrace

50. Ordinance 2008-0472

ORDINANCE appropriating \$35,560,590.16 out of ~~Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone)~~, Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), for affordable housing, administrative expenses, payment of project costs, payments to Houston Independent School District, Aldine Independent School District, the Houston Housing Finance Corporation and certain redevelopment authorities as provided herein

RESOLUTIONS AND ORDINANCES - continued

Motion 2008-0361 – Refer Lamar Terrace appropriation back to the Administration

51. Ordinance 2008-0473

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **ELI ELOY ESCOBAR** and **LYDIA ESCOBAR**, individually and as heirs of and representatives of the estate of Eli Eloy Escobar, Jr. to settle a lawsuit styled Eli Eloy Escobar and Lydia Escobar, individually and as heirs of and representatives of the estate of Eli Eloy Escobar, Jr. v. City of Houston and bearing Cause No. H-04-1945; in the United States District Court for the Southern District of Texas, Houston Division; ratifying engagement of Akin Gump Strauss Hauer & Feld, L.L.P., and authorizing payment of legal services fees related thereto \$1,589,922.28 - Property and Casualty Fund

52. Council Members Johnson, Khan, Green and Jones tagged

ORDINANCE amending Ordinance Number 2003-529, as amended, which approved and authorized Professional Audit Services Agreement with **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount; approving and authorizing first amendment to the contract \$1,760,000.00 - General Fund

53. Ordinance 2008-0454

ORDINANCE appropriating \$848,858.50 out of Equipment Acquisition Consolidated Fund and \$50,000.00 out of Fleet/Equipment Internal Services Fund for the purchase of Capital Equipment for Fire Department

54. Council Member Lawrence tagged

ORDINANCE awarding contract to **RANGER SPECIALIZED GLASS, INC** for Glass Replacement and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,585,757.50 - General, Enterprise and Building Inspection Funds

55. Ordinance 2008-0455

ORDINANCE appropriating \$550,000.00 out of Parks Consolidated Construction Fund and the amount of \$150,000.00 out of Parks Special Fund and approving and authorizing contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Professional Landscape Architectural Task Order Contract for the Parks and Recreation Department, WBS F-00504B-0002-3 - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; H - GARCIA and I - RODRIGUEZ**

56. Ordinance 2008-0456

ORDINANCE amending Ordinance No. 2008-289 to correct an Outline Agreement Number for Architectural Services relating to Clayton Library Renovation, WBS E-000156-0001-4, under construction contract between the City of Houston and **WORKMAN COMMERCIAL CONSTRUCTION SERVICES, LTD.** (approved by Ordinance No. 2007-0555) - **DISTRICT D - ADAMS**

57. Ordinance 2008-0457

ORDINANCE awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Walter Rasmus Park, WBS F-000643-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for construction management and contingencies relating to construction of facilities financed out of the Federal Government-Grant Fund (CDBG Fund) - \$229,189.00 **DISTRICT G - HOLM**

RESOLUTIONS AND ORDINANCES - continued

58. Ordinance 2008-0458

ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for Construction Management associated with the Lockwood Lift Station Replacement, WBS R-000267-00B3-4 - **DISTRICT I - RODRIGUEZ**

59. Ordinance 2008-0459

ORDINANCE appropriating \$75,000.00 out of Street & Bridge Consolidated Construction Fund and the amount of \$75,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **TECHNOLOGY SERVING PEOPLE, INC** for General Environmental, Asbestos and Lead related Consulting Services, WBS N-000396-0014-4, R-000019-0047-4 and S-000019-0047-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund

60. Ordinance 2008-0460

ORDINANCE appropriating \$1,805,365.45 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TROY CONSTRUCTION, L.L.C.** for FY08 Citywide Fire Hydrant Replacement and Height Correction, WBS S-000035-001V-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

61. Council Member Adams tagged

ORDINANCE appropriating \$3,634,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for Water Line Replacement in the University Area, WBS S-000035-00B1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 62 through 69

Motion 2008-0354 – Suspend rules to consider Item 62 out of order

Motion 2008-0355 – Written motion by Council Member Lovell to amend Item 62 as follows:

"I move to amend Item 62 by making the following changes to the proposed ordinance:

1. In the preamble, insert the following after the third finding:
"WHEREAS, the Houston Pavilions is located within the boundaries of Reinvestment Zone Number Three of the City of Houston, a tax increment reinvestment zone created by the City of Houston pursuant to Chapter 311 of the Texas Tax Code, and the Zone Board of Directors and the Main Street Market Square Redevelopment Authority, a local government corporation created by the City of Houston pursuant to Chapter 431, Texas Transportation Code, have entered into a Development Agreement with the developers of the Houston Pavilions project recognizing the economic benefits of the project in the form of additional jobs, sales tax revenue, and ad valorem tax revenue, and providing an Economic Development Recoverable Grant and other incentives resulting in infrastructure and related improvements provided by the City of Houston and Harris County in excess of \$14 million in value; and"
2. In Section 2, the introductory phrase of the definition of **RETAIL AND ENTERTAINMENT DISTRICT** is amended to read as follows:
"**RETAIL AND ENTERTAINMENT DISTRICT** shall mean that area located within and supported by a downtown tax increment reinvestment zone and contained within the following metes and bounds description:"
3. In Section 3, the proposed language is amended to read as follows:
"SPECIAL FACILITY shall mean an enclosed theater, sports, or convention/trade show venue, restaurant/entertainment venue, retail venue, hotel or any combination thereof that is situated within the boundaries of the Theater District, the Retail and Entertainment District, or the East Side Sports and Convention Complex District upon land contained within the boundaries of any one or more of the districts as defined herein, including but not limited to land owned by a nonprofit organization, a governmental entity, or a for-profit entity located within and supported by a downtown tax increment reinvestment zone, provided that within the Theater District or the East Side Sports and Convention Complex District, the venue:"
4. In Section 4, the proposed language is amended to read as follows:
"(4) Except as otherwise provided herein, the sign shall be a ground sign, a marquee sign, or a wall sign:
 - a. Within the East Side Sports and Convention Complex District, the size of the sign if a wall sign shall not exceed 1000 square feet, and the size of the sign if a ground or marquee sign shall not exceed 250 square feet at convention center facility venues or 400 square feet at other types of venues;
 - b. Within the Theater District, the size of the sign if a ground or marquee sign shall not exceed 250 square feet, and the size of the sign if a wall sign shall not exceed 500 square feet;
 - c. Within the Retail and Entertainment District, there shall be only wall signs, no more than two, located on adjacent walls, not to exceed 250 square feet in size per sign;"
5. In Section 5, the proposed language is amended to read as follows:
"e. In the Retail and Entertainment District, the maximum height above grade for the two special facility display signs shall not exceed 42 ½ feet;"

MATTERS HELD – continued

Motion 2008-0355 – continued

6. In Section 6, the third sentence of the proposed language is amended to read as follows:
“The number of special facility display signs authorized under this section in the Retail and Entertainment District shall be limited to two, which shall be wall signs located on adjacent walls.”
7. In Section 7, the word “sign” in the first line of the proposed language is amended to read “signs,” and the comma and the phrase “or eighty (80) feet, whichever is lower” are deleted from the last line of the proposed language. -- **Adopted**

62. Ordinance 2008-0461 – Adopt as amended

ORDINANCE AMENDING SECTION 4620 OF THE CITY OF HOUSTON BUILDING CODE, (“**The Houston Sign Code**”), to expand and revise the application of the provisions thereof currently applying to the East Side Sports and Convention Complex District and the Theater District to include a Retail and Entertainment District; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBERS HOLM, JOHNSON, KHAN, GREEN, BROWN, CLUTTERBUCK, NORIEGA, ADAMS and JONES**

This was Item 10 on Agenda of May 14, 2008

63. Ordinance 2008-0474

ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, LLP** for Legal Services relating to Civil Action No. 4:07-CV-04021; Shelby Stewart, et al. v. City of Houston, et al; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$150,000.00 - General Fund

TAGGED BY COUNCIL MEMBERS JONES, GREEN, JOHNSON and HOLM

This was Item 19 on Agenda of May 14, 2008

64. Ordinance 2008-0475

ORDINANCE appropriating \$2,214,735.00 out of Parks Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP** for Forestry Complex Relocation, WBS F-504A17-0001-4; setting a deadline for the proposer’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

TAGGED BY COUNCIL MEMBER JONES

This was Item 27 on Agenda of May 14, 2008

65. Ordinance 2008-0476

ORDINANCE approving and authorizing agreement between the City of Houston and **CH2M HILL, INC** for Water System Operations Engineering Support, WBS S-000522-0009-3 - 5 Years \$3,000,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 30 on Agenda of May 14, 2008

MATTERS HELD - continued

66. Ordinance 2008-0477

ORDINANCE appropriating \$1,397,504.50 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for FY08 Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V12-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

TAGGED BY COUNCIL MEMBER ADAMS

This was Item 33 on Agenda of May 14, 2008

67. Motion 2008-0362 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,034,808.20 and acceptance of work on contract with **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, WBS M-000241-0002-4 5.36% under the original contract amount - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 36 on Agenda of May 14, 2008

68. Motion 2008-0363 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,247,170.41 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0099-4 4.88% over the original contract amount - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 37 on Agenda of May 14, 2008

69. Ordinance 2008-0478

ORDINANCE approving and authorizing contract between the City of Houston and **ACORN HOUSING CORPORATION, INC** to provide \$155,000.00 in Community Development Block Grant Funds for Foreclosure Prevention Counseling Services

TAGGED BY COUNCIL MEMBER GREEN

This was Item 39 on Agenda of May 14, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING